

Land and forest governance in Swat

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Abstract

Swat has a long history blended with rich cultural heritage and occupation by foreign forces. It used to be one of the great seats of the Buddhism, Daradas and Indo-Greek influence.

When Swat was invaded by Mahmood of Ghazna in the early eleventh century it was ruled by Darada kings who were by then converted to Hinduism.

It seems Mahmood of Ghazna abandoned it afterwards till it was occupied by the Yousafzai Pukhtuns in the sixteenth century. That time, too, the Darada dwellings were seen in Swat. The Darada or Dardic communities were known as Kafirs because of their indigenous worldview like that of the present day Kalasha community in Chitral.

In the aftermath of the Yousafzai occupation of Swat the big question was how to distribute the occupied lands among the Yousafzais as all lands were not of the same kind with the same fertility and watercourses. In order to meet the challenge a learned man Shaikh Mali has devised a distribution system known as *wesh*. This system was not permanent settlement. Under the *wesh* the lands were rotated (re-allotted, interchanged) among various families and clans for tenure for fixed terms of five, ten, fifteen or twenty years.

The *wesh* system had paved the way for future settlement of the lands and forests in Swat; and also created many feuds related to lands distribution. This also rendered great damage to land and forest conservancy in Swat. It was like Hardin's tragedy of the commons.

Later on the permanent settlement of land and forests in Swat under Mali's '*daftar*' [revenue record], afterwards became *dawtar* by usage, many people were deprived of their landownership rights whereas many others were bestowed upon larger chunks of lands for political reasons. This further strengthened the feudal system in the valley; and during the Taliban insurgency provided local impetus to the uprising. Later when Swat became a princely state under the Walis of Swat this '*riwaj*' [tradition] was enacted in permanent re-allotment of lands and forests.

It is often held that during the Swat State era the Islamic law, Sharia, was the law of the State. Sharia was never imposed in Swat. Bacha Sahib, Mian Gul Abdul Wadud, has himself stated that during the state era it was *riwaj* rather than Sharia that prevailed in the State.

Women were not given their inheritance rights to hold land here nor they were allowed to participate in the politics of the valley.

A number of writers on Swat have praised the *wesh* and the State era but this seems misleading. The *wesh* system was romanticized like communism but these writers forget that in Swat lands were not equally distributed among the families and clans. Here, too, the precious lands and forests of Swat were exploited for political reasons. Even religious lineage was used for this end. Timber contactors from Ziarat Kaka Sahib in Nowshera were favoured and allowed to exploit the forests of Swat, particularly of the Bahrain and Kalam valleys without the least consideration of

conservancy and management. These contractors were apparently favoured because of their relation to the Akhund of Swat alias Saidu Baba.

These analyses were well rendered in a book by a Swat based historian Sultan-i-Rome. The book is published by the Oxford University Press this year. It is titled as ‘Land and forest governance in Swat; transition from tribal system to State to Pakistan’.

Land and forest governance in Swat

“The forests are thick and shady, the fruits and flowers abundant.” Wrote XuanZang, the Chinese pilgrim, who visited Swat in 629 CE, quoted by Sultan-i-Rome in his recently published book, ‘Land and forest governance in Swat; transition from tribal system to State to Pakistan’ published by Oxford University Press.

Unfortunately Swat has lately been known for the Taliban insurgency. Swat is, however, home to both ethnic and cultural diversity. It is one of the most cherished tourists destinations in Pakistan. In summer thousands of domestic tourists visit the valley. Prior to September 2001 attack on the World Trade Center in USA foreigners also visited it in many numbers. Because of its rich Buddhist heritage and sacrosanctity Swat used to be visited by Buddhist pilgrims from the world, especially from the Southeast and Far Asian regions.

Along with the ancient heritage Swat is also famous for its natural beauty and weather. This is because of the forests here, especially in the upper highland surrounded by high hills covered with precious forests. This terrain is known as Swat-Kohistan, the non-Pukhtun valleys of Bahrain and Kalam.

Because of the Taliban takeover and insurgency in 2007-09 the Swat Valley became a flashpoint the world over. Both Pakistani as well as foreign commentators and writers wrote about the reasons behind the Taliban insurgency in Swat. Many assert that as the people of Swat were used to the effective system of Sharia in Swat during the Swat State era—from 1915, when the Swat State was established till 1969, when Swat State was merged with Pakistan, therefore, they rose against the Pakistani governance of neglect, inefficiency and corruption.

Many other writers, who look at Swat insurgency in isolation from what has been going on in the Federally Administered Tribal Areas (FATA) and Khyber Pakhtunkhwa, see the insurgency in Swat as a class-war between the landowners and landless: the haves and haves-not.

Rome’s book ‘Land and forest governance in Swat; transition from tribal system to State to Pakistan’ though thoroughly written on forest and land management in Swat, Dir, Shangla, Indus Kohistan and Buner also helps us understand the land and Sharia dimension to the recent upheaval here.

The first chapter of the book is a summary of the political history of Swat from the Buddhist period to date. It is the setting of the book.

The second chapter, land dimension, details how land and forests were distributed in the valley after the Yousafzai occupation of the valley in sixteenth century. The next chapters focuses the forest conservancy prior and during the Swat State and after it till 2014.

Mahmood of Ghazna invaded Swat in the early eleventh century but it seems, as elsewhere in India during his expeditions, he abandoned it before the Yousafzai Pukhtuns captured it in the sixteenth century.

With the occupation of Swat the big challenge arose was how to distribute the spoils of war, especially the fertile land, among the various clans and families within the Yousafzai Pukhtuns.

To meet the challenge an expert known as Shaikh Mali devised his '*daftar*' [revenue record] and designed the famous *wesh* system for the land distribution. Mali's '*daftar*' was so well-known in Swat then that when the famous Pashto poet and tribal leader Khushal Khan Khattak visited Swat in late seventeenth century he was astonished to note the popularity of Mali's '*Daftar*' and Akhund Darveza's Makhzan. Khushal Khattak wrote that in Swat the people heeded to only the '*Daftar*' and '*Makhzan*'.

Wesh is a Pashto word literally means 'distribution free of cost'. But Mali's *wesh* system was actually a re-allotment or rotation of land among the different clans and families. It was not a permanent settlement. Under this rule the land was not given to any family or clan permanently but allotted for a fixed term of five, ten, fifteen or twenty years. The family would till the land till its tenure came to an end. Then the said portion of land was allotted to another family and the previous was given some other piece.

This temporary settlement was an endeavour to avoid conflicts among the Yousafzai Pathans. But it inflicted serious harms on the land and forest management; and on the general development of the area, too. As the *wesh* system actually kept the people nomadic so they did not bother about constructing houses of good standing or planting orchards. Khushal Khan Khattak states in his poetic travelogue, *Swat Nama*, that the natural beauty of Swat is adequate to the taste of kings but it has been turned to ruins since the occupation by the Yousafzais. He further states that houses of the Swat Yousafzais are dirty and stinking while one can see large houses in good repair wherein live pretty girls of the Kafirs live. (In seventeenth century there were still the dwellings of the Siaposh Kafirs, the ancestors of the Daradas of Swat and Dir).

Many writers on Swat have noted the impacts of the *wesh* system. Rome quoted H.G Raverty, "One sees the evil results of the system (*wesh* system) everywhere—no orchards, no gardens, few, if any, trees except in the sacred precincts of a ziarat (shrine); even the masjids (mosques) are a mere roof of mud or thatching, whichever comes cheaper, resting on three sides on a rough mud or stone wall, which also encloses the courtyard or *ghole* on fourth side. Lands that have been irrigated from the beginning long before Pathan days, by water channels from the rivers and streams remain thus irrigated. All other lands depend upon rain for their crops, although large tracts could easily be brought under irrigation but little united labour". And in 1926, Aurel Stien wrote " But the total absence of gardens and fruit-trees in this fertile and well-watered valley was striking. It was a sad illustration, seen also elsewhere in Swat, of the effects of the surviving Pathan custom *wesh*."

The *wesh* system was romanticized as communism by celebrated authors like Sibte Hasan as well. Rome writes that Sibte Hasan saw it as the redistribution of land among the members of the tribe equally and hence has tried to justify holding of the land as the common property of the masses under the control of the state as in communism.

He, Rome, asserts that this was not the case although under the *wesh* system the *dawtar*—Shaikh Mali term *daftar* later became *dawtar*—was liable to frequent re-allotment, it has never been re-allotted equally among all the members of the tribe/clan/family for whatever the duration of the tenure was in the particular area. In fact every shareholder received only the share he possessed prior to the new *wesh* i.e. re-allotment or interchange.

The *wesh* system in Swat was like Hardin's tragedy of commons where the common is the natural resource shared by many people without any regulation and each individual had the tendency to exploit the 'common'—land and forests—to his own advantage without any limit and concern for conservation; and eventually the 'common' was depleted and ruined.

The *wesh* or re-allotment rules were recorded in the '*daftar*' of Shaikh Mali. Later when the permanent settlement was carried out during State era the *daftar* became '*dawtar*'—right to own land and forest. '*dawtar*' became so embedded into Pukhtun's social honour and identity that selling of it deprived the seller of his Pukhtun's identity. Rome writes, 'A person was recognized and entitled to be called Pukhtun as long as he retained his *dawtar*. By losing his *dawtar* for whatever reason 'he and his offspring not only lost their identity as Pukhtuns and the membership of the tribe after a generation or two, but also their voice in their *jargahs* [village councils].' This founded the concept of stratification between Faqirs (people without the right of *dawtar*) and Pukhtuns.

Under the *wesh* system the Islamic right of women to own and inherit land was, as a rule, commonly not recognized. This was ascertained by Khushal Khtak Khattak in his visit to Swat in a verse: *Da Baba da maal yawazey miras Khor di, na pa tarur di, na pa more di, na pa khor di* [The menfolk keep everything to themselves what they inherit. No due share is ever granted to the womenfolk be that aunt or mother or sister]. This traditional practice remained the law of inheritance during the Swat State as well.

Along with the *dawtar* there was the tradition to give land to the religious leaders for their religious service and to the Khan—village chief—for hosting guests at his *hujrah* (guest rooms). This right was called *serai*. This was given permanently. Very often under the *serai* right the religious leaders and Khan got large chunks of land. Later during the Swat State era large swaths of lands were also allotted to people for political reasons. This produced a feudal system in the valley. This inherited disparity escalated the Taliban insurgency in Swat but cannot be called the single cause of the uprising given the geo-strategic dimension of the whole phenomenon.

Pre-Swat State there had no written form of the rights holders/*dawtaris*. It was based on *riwaj*, tradition, and that was passed from generation to generation through word of mouth. The forests were not communal and were only owned by the concerned *dawtar* landowners and in also by the *serai* landowners.

In addition to the purposes of construction the forest timber was (is) used for burial purposes such as making wooden coffins kept in the graves; and for fencing the grave above the ground. Timber was also used in mosques and *hujrahs* especially in winter for heating purposes.

Felling of deodar trees for commercial purposes, especially from the Torwali and Kalam tracts, began in about 1850. This was mostly done by the Kaka Khel Mians of Ziarat Kaka

Sahib in the district of Nowshera because of their relations both with the colonial government and with the Akhund of Swat, Abdul Ghafur alias Saidu Baba. That time most felling of trees was done in places near the river.

During the reign of Bacha Sahib, Mian Gul Abdul Wadud, the Kaka Khel Mians were favoured by the ruler because of their being the heirs of Kaka Sahib, a religious figure. Mian Rahim Shah Kakakhel, one of the timber contractors, was also in good books of the colonialist because of the former's support in the Chitral expedition in 1895.

In the book Mr. Rome has also dispelled a number of myths expounded by writers and the general public. He states with reference that, "Prior to the establishment of the state there was no system of the management of forests and haphazard fallings were carried out". This 'negates the sweeping statement of Inam-ur-Rahim and Alain Viaro in their book 'Swat: an Afghan society in Pakistan' which states, "The common resources including forest and brush-lands were communally utilized in a sustainable manner till the Swat State merger and different social groups had a well regulated uniform and equitable access to these resources".

Similarly Akbar S. Ahmad's statement 'during his [Bacha Sahib's] rule womenfolk were restored to their rightful place in society, and were given the rights and privileges expounded in the Shariat' refuted by the author quoting the Dir-Swat Land Disputes Enquiry Commission's report of 1972 that the rule of inheritance in Swat State was *riwaj*, according to which females were not entitled to inherit property; and that the Bacha Sahib himself told the commission both orally and in writing that the rule of inheritance in Swat State 'was *Riwaj* and not *Shariat*'. Not only this but the women were barred to sell what property they would get in *Mahar*.

The *dawtar* and land was owned only by the male members of the family. Neither Bacha Sahib nor his son, the Wali, made any law repugnant to this *riwaj*. Females were not given their inheritance right to land as prescribed by Sharia.

The Kalam tract comprising the scenic town of Kalam, valleys of Ushu and Utror, was never been a part of the Swat State era except for the seven disputed years when the Swat State ruler annexed it on August 15, 1947 when India was partitioned. Prior to that Kalam was a Tribal agency ruled by the British through the political agent of Swat, Dir and Chitral based in Malakand. This status of Kalam as an agency was because of the claims to it by the then three princely states—Swat, Dir and Chitral. However, being easily accessed by road to Swat State the ruler(s) of Swat had an advantage to exploit its forests through their favorites of the likes of the Kaka Khel Mians and the State's Wazirs—ministers and advisors.

When the ruler of the Swat State annexed Kalam in 1947 it still remained a disputed territory between the Pakistani government and State of Swat. In 1954 an agreement was reached between the Pakistani government and Wali of Swat that restored Kalam as a tribal agency with Pakistan and the Wali was appointed as its administrator only. Kalam was made a part of the Swat district in 1969 with the merger of the Swat State in Pakistan.

A few questions left unanswered by Rome in his book worth mention here. What system was in practice regarding the land tenure in Swat before the Yousafzai occupation of it? We do not know anything about it. Or the question what were the various ethnic groups

living in Swat before or during the Yousafzai occupation? The reason perhaps is that the book is on forest and land management; and is not on anthropology or history of Swat. Rome justly analyzed the landholding system in Swat-Kohistan writing that here the *dawtar* rests with four or three main tribes of the Torwali and Gawri people. He states that there was no *wesh* system here and the *dawtar* was thus in practice since ancient times. In rest of Swat we see the *dawtar* derived from the *wesh* system. The people of Swat-Kohistan also call their land and forest holding right as *dawtar*. Similarly in the Torwali tract of Swat-Kohistan we find *dawtar* system on the western (road) side of the Swat river whereas on the eastern side mostly the logey—literarily smoke, meaning the forest ownership right, is equally distributed among the dwellers based on households, exists. Why there exist two systems in a valley of people having same ethnicity living on two opposite sides of the Swat river? These are the questions Rome says need further research.

The book has about 600 pages full of citations and references. It has eight chapters and each chapter has a long list of notes and references at the end. The author has taken much time and pains in writing the book. It has a long list of bibliography of English, Urdu and Pashto books along with official reports, magazines, journals and official notifications.

Rome's book is indeed a scholarly work added to the tapestry of research on the famous Swat Valley in Pakistan.